

REMARKS

Applicant thanks the Examiner for the careful consideration and favorable treatment of the claims in which claims 4, 5, 9, 14, 28 and 29 have been indicated as being allowable if properly rewritten.

The Examiner has objected to the drawings and more particularly contends that the subject matter of claims 13, 15 and 32 is not shown in the drawings.

Claim 13 has been canceled and therefore, the Examiner's objection to the drawings with respect to claim 13 is now moot. The subject matter of original claim 15 and the present amended claim 1 is now illustrated in Fig. 1. Withdrawal of the objection is in order. Claim 32 has been canceled and therefore, the objection to the drawings relative to claim 32 is moot.

Claim 1 stands rejected as being anticipated by either the Fitzgibbon reference or the Field reference.

Fitzgibbon discloses a merchandise tag that is provided with a color harmony chart adapted to be attached to colored fabric articles to provide a simplified means for advising the purchaser of the article of clothing which will best harmonize with the color of any particular article of clothing offered for sale. In one embodiment shown in Fig. 2, the tag is a rectangular card adapted to be folded along a dotted line and thus forms a lower portion adapted to be secured to the fabric and a flap that opens to reveal a color chart. The color chart is merely an arrangement of colors that is intended to be compared to the color of the article to which the tag is attached. The actual color of the article to which the tag is applied is not indicated at all on the tag itself. In another embodiment shown in Fig. 3, the tag is applied to the article and includes a window formed therein through which the color of the article is visible to assist the purchase in harmonizing the colors. Once again, the actual color of the article to which the tag is applied is not indicated at all on the tag itself but is merely visible through a transparent window.

The Field reference discloses a necktie device in the form of a sheet of material covering a portion of the necktie. The sheet material has a window through which a portion of the necktie may be observed and a portion of the sheet material adjacent the edges of the window are colored to represent the color of a suit of clothes. Similar to the second embodiment of Fitzgibbon, the actual color of the necktie to which the device is applied is not indicated at all on the device itself but is merely visible through the transparent window.

Both of these two references are intended to be used with any and all differently colored articles of clothing and thus, the color harmony chart is merely a general color chart or a single pattern in the case of the Field reference that is applied to the article of clothing regardless of the color of the article of clothing. In other words, each of these accessories can be applied to any article of clothing and thus does not truly have the claimed printed predominant color in the first indicia section to instruct and guide an employee or purchaser to which article of clothing the accessory is intended to be used with and thus, avoid any mistake. The second indicia of the present invention is thus not a general color chart but is a specific selection of colors that are selected in view of the color of the printed swash in the first indicia section.

Claim 1 has been amended to recite a retail display accessory for assisting a consumer in color coordinating a first article of clothing with a second article of clothing. The accessory includes a body section that is constructed to be carried by the first article of clothing. The body section having a first indicia section identifying a predominant color of the first article of clothing and a second indicia section that identifies colors for the second article of clothing that are complementary to the color of the first article of clothing. The predominant color is represented by a printed swash of color in the first indicia section to permit easy identification of which first article of clothing is intended for use with the retail accessory. Applicant respectfully submits that such a feature is not disclosed in either of the prior art references for the reasons stated above and in particular, neither of the references positively indicates the color of the article of clothing to which the accessory is attached as now recited in amended claim 1 (something that is much different than the general color guides of the prior art). While the Examiner has rejected original claim 15 under each of the prior art references, the Examiner has failed to explain in any detail how the references

show this feature and furthermore, applicants have clarified that the swash of color is in a printed form on the accessory itself and therefore, this precludes the Examiner from contending that a visible color of the article of clothing through a window is equitable to the claimed feature since as mentioned above, a transparent window does not positively show any color without the tie itself and therefore offers no customization of the colors in the two indicia areas.

This claimed feature provides an advantage over the prior art references that is disclosed in the present patent application. More specifically, by positively indicating the predominant color of the article of clothing to which the accessory is to be attached, a convenient method is provided for identifying which article of clothing, this particular accessory is to be attached. Thus, the accessories of one type can be grouped together for application to one colored tie, while other accessories can be grouped together for application to a different colored tie. The accessories of the prior art are merely generically placed on any tie without any tailorization or customization as provided in the present invention.

It will also be appreciated that this feature permits the purchaser to actually look and compare the color of the article of clothing as indicated by the swash of color with the other colors in the second indicia section without having to look at the article of clothing if so chosen.

The color harmony chart of Fitzgibbon and the single suit pattern of Field are not at all tailored to the predominant color of the article of clothing to which the accessory is to be attached. This is not the case in the present application and in fact the opposite is true in that the colors indicated in the second indicia section vary from one accessory to another based upon the precise color that is indicated in the first indicia section. The present invention provides a tailored color scheme in direct contrast to the general color schemes shown in the prior art references. This tailorability provides a number of advantages over the prior art references since colors that are not good matches can be eliminated in a pre-screening process and not even included as part of the "color harmony chart" (the colors in the second indicia section).

Since neither of the references discloses or even contemplates representing the predominant color of the article of clothing to which the accessory is attached by a printed swash of color in the first indicia section, the rejection of amended claim 1 cannot be maintained. Applicant also respectfully contends that this feature is not suggested by either of the references since the references fail to suggest or even contemplate positively printing the color of the article on the accessory and further, they fail to contemplate that this permits, the complementary colors in the second indicia section to not be merely a general chart of all colors but rather a tailored selection of colors that specifically match and complement the color of the printed swash. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 for at least the above reasons.

Claim 4 has been rewritten into independent form by including the subject matter of claim 1 and based on the Examiner's indication that claim 4 contains allowable subject matter, amended claim 4 should be allowed and passed to issue.

Claims 2-3, 5-12, and 16-21 should be allowed as depending from what should be an allowed independent claim 4.

Claim 14 has been rewritten into independent form by including the subject matter of claim 1 and based on the Examiner's indication that claim 14 contains allowable subject matter, amended claim 14 should be allowed and passed to issue.

Claim 23 has been amended to include the feature that was added to claim 1 and therefore, for the same reasons stated herein as to why claim 1 is allowable, claim 23 should be allowable. Reconsideration and allowance of claim 23 are respectfully requested.

Claims 24-27 should be allowed as depending from what should be an allowed independent claim 23.

Claim 28 has been rewritten into independent form by including the subject matter of claim 23 and based on the Examiner's indication that claim 28 contains allowable subject matter, amended claim 28 should be allowed and passed to issue.

Claim 29 should be allowed as depending from what should now be an allowed independent claim 28.

Claims 30-31 stand allowed.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Attachments

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to Fig. 1.

Attachment: Replacement sheet